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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the fiftieth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 72/84.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Summary

The present report contains information regarding the efforts of the Special Committee to implement its mandate and on the human rights situation in the occupied Arab territories, over the past year. The report includes information from consultations with Member States in Geneva in March 2018, followed by a mission to Jordan in July 2018. The report addresses a number of concerns relating to respect for international humanitarian law and international human rights law, including the continued expansion of settlements; the practice of demolishing homes and confiscation of property; the coercive environment and risk of forcible transfer; the humanitarian crisis in Gaza resulting from the blockade; apparent excessive use of force by Israeli security forces, in particular in the context of demonstrations along the Gaza fence; the lack of accountability for alleged violations of international law throughout the occupied territories; the continued use of administrative detention; the conditions of detention, in particular the detention of children; and challenges to the work of human rights defenders. The Special Committee further examines issues relating to the expansion of Israeli settlements, the lack of development opportunities for Syrian villages and the holding of local elections in the occupied Syrian Golan.

I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Special Committee is currently composed of three Member States: Malaysia, Senegal and Sri Lanka. In 2018, the Special Committee was represented by three members: the Permanent Representative of Sri Lanka to the United Nations in New York (Chair of the Special Committee), Amrith Rohan Perera, the Permanent Representative of Malaysia to the United Nations in New York, Shahrul Ikram Yaakob, and the Permanent Representative of Senegal to the United Nations in Geneva, Coly Seck.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation since 1967, namely, the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan.

3. The present report is submitted pursuant to General Assembly resolution 72/84, in which the Assembly requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. This report covers the period from 15 July 2017 to 31 August 2018.

III. Activities of the Special Committee

A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 19 and 20 March 2018.[1] During the consultations, the Special Committee held meetings with Member States concerned with the implementation of General Assembly resolution 72/84 and attended discussions under agenda item 7 of the thirty-seventh session of the Human Rights Council, entitled "Human rights situation in Palestine and other occupied Arab territories". The consultations were held with a view to discussing with Member States the most pressing matters to be addressed in the report of the Special Committee to the General Assembly and to gather information on recent developments in the Occupied Palestinian Territory and the occupied Syrian Golan.

[1] The Permanent Representative of Sri Lanka to the United Nations in New York (Chair of the Special Committee), Amrith Rohan Perera, was unable to attend the annual consultations in Geneva and was represented by the Deputy Permanent Representative of Sri Lanka to the United Nations in New York, Sabarullah Khan.

5. The Special Committee met the Permanent Observer of the State of Palestine and the Permanent Representatives of Egypt, Jordan and the Syrian Arab Republic. The Committee also met the Deputy United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967. A request to meet the Permanent Representative of Israel to the United Nations Office at Geneva received no response.

6. During the discussions, representatives of Member States expressed support for the work of the Special Committee and regretted the fact that Israel did not recognize and cooperate with the Special Committee, nor allow it to gain access to the occupied territories. The representative of the Permanent Mission of the Syrian Arab Republic reiterated the Government's invitation for the Special Committee to visit Damascus and meet Syrians who had been forcibly displaced from the occupied Syrian Golan.

7. The representatives of Member States were especially concerned with the expansion of Israeli settlements in the occupied Syrian Golan, as well as in the West Bank in the Occupied Palestinian Territory, which threatens the very possibility of a viable and contiguous Palestinian State and is in violation of international humanitarian law. They expressed dismay at the increasingly coercive environment in which Palestinians live in East Jerusalem and in Area C of the West Bank and Syrians in the occupied Syrian Golan. They were also concerned with the continuation of the blockade by Israel of Gaza for the eleventh year and its numerous negative effects on the most basic human rights of residents, including their rights to health, food, education and freedom of movement.

8. The Special Committee was further briefed on the work of the Office of the United Nations High Commissioner for Human Rights regarding the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan, as well as the reports of the United Nations High Commissioner for Human Rights to the thirty-seventh session of the Human Rights Council. The Special Committee was also briefed on the main findings of the most recent reports of the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, which were presented at the thirty-seventh session of the Council and the seventy-second session of the General Assembly.

9. Issues raised during the consultations were taken into consideration when planning and conducting the field mission of the Special Committee, undertaken in July 2018, as well as in the drafting of this report.

B. Field mission to investigate Israeli practices

10. The Special Committee wrote to the Government of Israel on 25 June 2018 requesting access to the Occupied Palestinian Territory and other Arab territories occupied since 1967. As in previous years, Israel did not respond. The Special Committee was therefore unable to hold consultations with the relevant Israeli authorities or to gain access to the Occupied Palestinian Territory and the occupied Syrian Golan.

11. Owing to insecurity in the region, the Special Committee was unable to visit the Syrian Arab Republic or Gaza through the Rafah crossing. Instead, the Special Committee convened meetings with civil society, victims and witnesses, Palestinian

officials and United Nations representatives in Amman from 17 to 19 July 2018.[2] When witnesses were unable to travel to Amman, especially from the occupied Syrian Golan and from Gaza owing to the denial of travel permits, the Special Committee gathered testimony and briefings through teleconference. The Special Committee expresses its sincere appreciation to all those who provided testimony and briefings on a wide range of human rights and humanitarian issues. On 23 July, at the conclusion of its annual mission, the Special Committee released a press statement.[3]

12. Documentation and other materials submitted to the Special Committee were carefully examined prior to the preparation of this report and were archived by the Secretariat. Information contained in this report is based primarily on testimony and submissions received by the Special Committee over the course of its mission in July 2018.

IV. Situation of human rights in the Occupied Palestinian Territory

13. The Special Committee heard concerns on a wide range of issues during its meetings. Briefings to the Special Committee emphasized the rise of discriminatory measures against Palestinians in a climate of impunity, with the continuation by Israel of its unlawful policies and practices. Specific areas of concern highlighted throughout the mission included the expansion of settlements in the West Bank, including East Jerusalem, coupled with the destruction and confiscation of property; the coercive environment and the risk of forcible transfer; the exploitation of natural resources, the blockade and closure of Gaza and its negative impact on the basic human rights of its residents; the use of excessive force by Israeli security forces; the lack of accountability; the detention of children and continued use of administrative detention; and a hostile environment to human rights organizations that work to document human rights violations in the Occupied Palestinian Territory.

14. The Special Committee received detailed information regarding worrying developments with respect to the expansion of illegal Israeli settlements and legislative and procedural changes that have an impact on the administration of the Occupied Palestinian Territory. Those who briefed the Special Committee raised concerns about the de facto or possible future de jure annexation of parts of the West Bank, given these developments.

15. Settlements amount to the transfer of parts of an occupying Power's civilian population into the territory that it occupies, which is prohibited by the Geneva Convention relative to the Protection of Civilian Persons in Time of War.[4] The illegality of settlements under international law has been reiterated in several Security Council resolutions, including, most recently, resolution 2334 (2016).

Expansion of settlements

16. Israeli settlement expansion and development continued in the West Bank, including East Jerusalem, during the reporting period. According to information received by the Special Committee, 6,742 housing units were advanced in Area C in

[2] Mr. Perera was unable to attend the mission to Jordan and was represented by the Deputy Permanent Representative of Sri Lanka to the United Nations in New York, Satya Rodrigo. The Permanent Representative of Malaysia to the United Nations in New York, Shahrul Ikram Yaakob, was also unable to attend the mission to Jordan and was represented by the Permanent Representative of Malaysia to the United Nations in Geneva, Amran Mohamed Zin.

[3] See www.un.org/unispal/document/end-of-mission-statement-of-the-un-special-committee-to-investigate-israeli-practices/.

[4] Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49 (6).

2017 and at least 3,000 units were advanced in Area C in the first half of 2018. In the West Bank, including East Jerusalem, tenders were issued for 3,284 units in 2017 and for 3,770 units from January to August 2018. Official data on settlement construction starts in Area C indicate that 1,643 units were constructed in settlements in 2017.[5]

17. The Special Committee heard that, notwithstanding the fact that no outposts had been legalized under Israeli law during the reporting period, six outposts had been illegally established by settlers in the West Bank in 2017 and 2018. Members of the Special Committee were also informed that the committee on legalizing the issues of land ownership for the Jewish settlements in the West Bank had submitted a report in February 2018 that included several recommendations to allow the legalization of thousands of unauthorized Israeli housing units in the West Bank, including those built on privately-owned Palestinian land.

18. Briefings emphasized that settlements were at the centre of many human rights violations in the West Bank, including East Jerusalem. The Special Committee heard that many Israeli practices in the West Bank favoured settlers and were designed to force Palestinians to leave, noting that such pressure was particularly high in areas close to Israeli settlements. The Special Committee has previously noted that Palestinian communities in close proximity to settlements are subject to frequent raids by Israeli forces, sometimes resulting in the arrest and detention of residents, including children (A/72/539, para. 22). A 50 per cent increase in incidents of settler violence against Palestinians was reported in the first four months of 2018, compared with the number of incidents in 2017.[6] Those incidents included stone-throwing, vandalism and physical attacks, and occurred largely in Palestinian communities close to settlements.

Destruction and confiscation of property

19. The demolition of homes and private property of Palestinians by Israeli security forces was one of the most frequently cited issues of concern in the meetings of the Special Committee in 2018. According to information received by the Special Committee, between 1 July 2017 and 15 July 2018, Israeli security forces demolished 213 structures owned by Palestinians in the West Bank, including East Jerusalem. All but five of those demolitions occurred close to a settlement, to the separation wall or to a closed military zone. Of those structures, 194 were demolished owing to a lack of building permits and 19 were demolished as punitive measures against family members of Palestinians involved or allegedly involved in attacks against Israelis. A total of 121 of the demolished structures were houses, the demolition of which led to the displacement of 579 people, of whom 290 were children.

20. Of the total structures demolished, 99 were in East Jerusalem, and 53 were houses. Of the demolitions in East Jerusalem, 98 were carried out on the grounds that they lacked proper building permits, while 1 house was demolished as a punitive measure. As a result of those demolitions, of the total number of people displaced, 239 lived in East Jerusalem, 127 of whom were children, while 5 were individuals with special needs.

21. Demolitions are justified in large part by the Israeli authorities on the basis of a lack of building permits. As the Special Committee has previously noted, however, building permits are nearly impossible for Palestinians to obtain. The discriminatory planning and zoning regime of Israel in the West Bank, including East Jerusalem,

[5] See http://peacenow.org.il/en/settlements-watch/settlements-data/construction.

[6] United Nations, Office for the Coordination of Humanitarian Affairs, "Increase in settler violence during the first four months of 2018", Humanitarian Bulletin: Occupied Palestinian Territory, May 2018. Available at www.ochaopt.org/content/increase-settler-violence-during-first-four-months-2018.

significantly restricts the prospects for Palestinian development (A/72/539, para. 31). A smaller percentage of demolitions are carried out for punitive reasons. In some cases, the homes of individuals related to a person who attacked or allegedly attacked an Israeli would be demolished. This practice, halted for 10 years from 2004, resumed in 2014. Penalizing individuals from crimes that they did not commit raises concerns of collective punishment. Collective punishment is prohibited under international humanitarian law and violates provisions of international human rights law (A/72/565, para. 18).

22. The confiscation or destruction of property provided as humanitarian assistance by States, which is an issue that the Special Committee has previously noted with concern (see, for example, A/72/539, para. 32), was once again reported to the Special Committee. Notably, on 4 February 2018, Israeli authorities demolished two classrooms built with donor funding in the Bedouin refugee community of Abu Nawar, located on the outskirts of Jerusalem in Area C.[7] The European Union Representative and Heads of Mission in Jerusalem and in Ramallah expressed strong concern about the demolition, as did the Humanitarian Coordinator.[8] The Special Committee has previously reported on the situation in Abu Nawar and raised concerns about outstanding demolition orders for the community and a previous demolition of a donor-funded schoolroom (A/72/539, para. 35).

23. The Special Committee recalls that Israel, as the occupying Power, is obligated to provide for the humanitarian needs of the protected population and to agree to relief schemes on behalf of the said population and to facilitate those relief schemes by all the means at its disposal.[9] The Special Committee would like to emphasize its deep concern for this community and for the more than 7,000 people living in the 46 other Bedouin communities in Area C of the West Bank who are particularly vulnerable.

Coercive environment and risk of forcible transfer

24. The Special Committee was once again briefed on the situation of communities at risk of forcible transfer as a result of the existence of a coercive environment. Factors contributing to the creation of a coercive environment include plans of the Government of Israel to relocate or evict communities from their lands; the demolition of homes and other structures; pressure applied by government officials; military operations and settler violence; restrictions on freedom of movement and limited access to essential services; restrictions on access to land and natural resources; a lack of accountability and lack of access to justice; and strict residency and permit regulations that have a negative impact on the unification of family members in East Jerusalem and other parts of the West Bank (A/HRC/34/39, paras. 43–57). Palestinians in parts of Area C of the West Bank, in particular residents of Bedouin communities and others in the Jerusalem periphery, as well as Palestinian residents of East Jerusalem, were noted to the Special Committee as being affected by the existence of a coercive environment.

25. The Special Committee was updated on the increasingly concerning situation of Khan al-Ahmar, a Bedouin community in the Jerusalem periphery. On 24 May 2018,

[7] Roberto Valent, Acting Humanitarian Coordinator for the Occupied Palestinian Territory, statement on the Israeli authorities' destruction of donor-funded classrooms in the Palestinian community of Abu Nuwar, 4 February 2018. Available at www.ochaopt.org/content/statement-acting-humanitarian-coordinator-opt-roberto-valent-israeli-authorities-destruction.

[8] European Union Representative and Heads of Mission in Jerusalem and Ramallah, statement on the demolition by Israeli authorities of parts of the school of the Bedouin community of Abu Nuwar, 6 February 2018. Available at https://eeas.europa.eu/headquarters/headquarters-homepage/39422/local-eu-statement-demolition-israeli-authorities-parts-school-bedouin-community-abu-nuwar_en.

[9] Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 59.

the Israeli High Court of Justice upheld demolition orders issued by Israel against all structures within Khan al-Ahmar, including the school. The demolition orders were issued on the basis that the structures in Khan-al-Ahmar had been built without Israeli permits. Israeli forces began to level access routes around the village on 4 July. Residents of Khan al-Ahmar have filed a series of petitions with the High Court challenging the demolition orders, most recently on 5 July 2018. The High Court issued a temporary injunction on the same day halting the demolition. As of the writing of this report, the demolition orders remained in place, as did the temporary injunction, and the future of the community remains uncertain. Israel has proposed moving the community to a predetermined relocation site, which the community has repeatedly rejected for several reasons, including the proximity of the site to a garbage dump and the small size of the site, which would prevent the herding community from its traditional lifestyle.

26. United Nations agencies have repeatedly raised concerns about the situation of Khan al-Ahmar, noting that the demolition of the community's homes and other structures, one element of the coercive environment in which the community lives, could lead to the forcible transfer of that community.[10] Forcible transfer in the context of occupation, undertaken without the free, prior and informed consent of the individuals affected, is prohibited as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in time of war.[9]

Legislative and administrative changes

27. In addition to demolitions and related challenges, new legislation and changes to administrative procedure that have a negative impact on the rights of Palestinians living in the West Bank, including East Jerusalem, were described to the Special Committee. The picture presented, taking these changes together, is one of a situation in which Palestinian land is ever more easily confiscated and the avenues for Palestinians to legally challenge such confiscation are increasingly limited. This raises concerns about the viability of a two-State solution, which is the long-stated goal of both parties and of the international community.

28. One such change is the passage in the Knesset of a law that transfers jurisdiction over administrative cases in the West Bank from the Israeli High Court of Justice to the Jerusalem Administrative Affairs Court. This applies to cases brought by Palestinians or by Israeli settlers in the West Bank in specific areas, including cases relating to freedom of information, planning and construction, travel permits for entry and exit from the West Bank and restraining orders on individuals.[11] Concerns were raised to the Special Committee that the law could limit access to justice for Palestinians in part as a result of higher court fees, in addition to the fact that the Jerusalem Administrative Affairs Court lacks expertise in the applicable legal framework in the Occupied Palestinian Territory, including protections afforded by international humanitarian law. The law has been described as another step towards de facto annexation of the West Bank, further blurring the distinction between Israel and the West Bank.

29. On 17 April 2018, the Israel Defense Forces commander in the West Bank issued Military Order 1797, which allows for the demolition of "new" structures in the West

[10] United Nations, Office for the Coordination of Humanitarian Affairs, "UN officials call for an end to West Bank demolitions and respect for international law", 5 July 2018. Available at www.ochaopt.org/content/un-officials-call-end-west-bank-demolitions-and-respect-international-law.

[11] Jonathan Lis, "Israel passes new law limiting Palestinians' access to court", *Haaretz*, 17 July 2018. Available at www.haaretz.com/israel-news/.premium-knesset-advances-bill-barring-palestinians-from-petitioning-high-court-1.6271237.

Bank within 96 hours of the issuance of a removal notice. New structures would be those that the Israeli Civil Administration determines to have been built in the past six months or those inhabited for less than 30 days prior to the issuance of the removal notice. Demolition orders issued under this new Military Order can be challenged by showing a valid building permit or by providing evidence that the structure is not new, as defined in the Military Order.[12] Given the extreme difficulty that Palestinians face in obtaining building permits, human rights organizations raised serious concerns about the possible impact of this law. Pursuant to a petition filed in the Israeli High Court of Justice by a group of human rights organizations, the Government of Israel temporarily froze implementation of the law, which was set to go into effect on 19 June 2018.[13]

A. Environment and access to natural resources

30. The Special Committee once again received substantial information about concerns relating to the use of natural resources in the Occupied Palestinian Territory, including the lack of access to resources for Palestinians and practices that lead to pollution and environmental degradation.

Waste dumping

31. A key issue raised in briefings to the Special Committee regarding the environment is the existence of several waste treatment facilities or waste dumps in the Occupied Palestinian Territory that, in some cases, are located close to Palestinian towns or villages and in which proper precautions to protect the land and nearby residents from pollution and possible hazardous materials are not taken. There are 15 such dumps in the Occupied Palestinian Territory managed by Israel, 6 of which handle hazardous waste.[14] According to information received by the Special Committee, a large portion of the material in these facilities is produced in Israel and then transported to the dumps in the Occupied Palestinian Territory. In addition, according to information received by the Special Committee, the main treatment facility for medical waste from Israel is also located in the West Bank, in the northern Jordan Valley.

32. Another issue raised in relation to the existence of these facilities in the West Bank is the fact there are few regulations for Israeli facilities operating in the West Bank. For example, the Environmental Protection Law in Israel requires waste disposal plants in Israel to measure and report on several elements, including the release of pollutants and the process by which waste is received, treated and disposed of. No such regulation exists, however, for facilities operated by Israel in the West Bank, leading to a lack of information about possible risks associated with the existence of the plants and a lack of transparency, allowing the plants to operate without disclosing any information about their operations.

33. There are concerns that waste dumps and related pollution have a significant impact on the human rights of Palestinians living in the occupied territory, including

[12] United Nations, Office for the Coordination of Humanitarian Affairs, "New legislation impedes challenges to demolitions and seizures in the West Bank", Humanitarian Bulletin: Occupied Palestinian Territory, June 2018. Available at www.ochaopt.org/content/new-legislation-impedes-challenges-demolitions-and-seizures-west-bank.

[13] Society of St. Yves, "Temporary freeze of new military order escalating demolitions in Area C", 21 June 2018. Available at www.saintyves.org/news/temporary-freeze-of-new-military-order-escalating-demolitions-in-areas-c.html.

[14] Adam Aloni, *Made in Israel: Exploiting Palestinian Land for Treatment of Israeli Waste* (B'tsalem, 2017). Available at www.btselem.org/sites/default/files/publications/201712_made_in_israel_eng.pdf.

the right to health. Israel is obligated, as the occupying Power, to respect and protect the human rights of Palestinians (A/HRC/34/38, paras. 5–9).

Access to water

34. The issue of access to clean water was raised once again to the Special Committee, with briefings raising concerns that Israel had sought to control and direct the flow of both surface water and subterranean water in the Occupied Palestinian Territory. According to information received by the Special Committee, the Israeli Civil Administration has been implementing a 2012 plan to build several dams across surface waters in the Occupied Palestinian Territory. To date, seven dams have been built, which will reportedly allow Israel to control a significant amount of surface water and to divert an estimated 260,000 to 1 million m^3 of surface water annually to settlement agricultural areas.

35. The situation in Gaza is of specific concern. Given the ongoing electricity crisis, access to clean water is increasingly challenging for residents of Gaza. At present, 97 per cent of water available is unfit to drink, either due to contamination with sewage or to salinity.[15] According to information received by the Special Committee, the electricity crisis has led to increased pollution of the sea and groundwater, given that the sewage treatment plant cannot operate fully and raw sewage is consistently dumped directly into the sea. Aquifers under Gaza are increasingly polluted because they are over-pumped, and polluted saltwater is pulled in from the sea. In addition, the Special Committee was told that surface water that runs into Gaza was also being controlled by Israel, which has reportedly set up installations to collect the water before it enters Gaza.

B. Human rights situation in Gaza

Demonstrations

36. A series of demonstrations, which began on 30 March 2018 and were continuing at the time of preparing this report, have taken place along the fence between Israel and Gaza, under the banner of "the Great March of Return". Palestinians have called for an end to the blockade and closure and for their right to return to lands from which they were displaced during and after 1948. The demonstrations have been largely peaceful, although incidents in which Palestinians in Gaza burned tires, threw stones and Molotov cocktails and flew burning kites over the fence into Israel have occurred.

37. While the Special Committee views the commission of violent acts by some demonstrators as unacceptable, it strongly condemns the excessive and disproportionate use of force by Israeli security forces in the context of these demonstrations. As of the end of August 2018, 130 Palestinians, including 23 children, 3 paramedics and 2 journalists, had been killed,[16] the majority with live ammunition in the back, head or chest. Many victims were shot as they were running away from the fence or up to 300 m from the fence. More than 18,700 others have oeen injured, including 4,600 by live ammunition.[16] Some of them will consequently suffer lifelong disabilities. One Israeli soldier was also killed by gunfire near the Gaza fence.

[15] Zafrir Rinat, "Ninety-seven per cent of Gaza drinking water contaminated by sewage, salt, expert warns", *Haaretz*, 21 July 2018. Available at www.haaretz.com/middle-east-news/palestinians/.premium-expert-warns-97-of-gaza-drinking-water-contaminated-by-sewage-salt-1.5747876.

[16] United Nations, Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Occupied Palestinian Territory, August 2018. Available at: www.ochaopt.org/sites/default/files/hummonitor_august_2018.pdf.

38. In cases reviewed by the Special Committee, the threat posed by demonstrators, even those employing violent means such as throwing stones or Molotov cocktails, did not appear to present a threat to life or serious injury that justified the use of deadly force by the well-armed Israeli security forces.

39. The Special Committee was briefed about the cases of two paramedics who had been killed by the Israeli security forces while on duty and who posed no threat to life or serious injury to the Israeli security forces. On 14 May 2018, 36-year-old Moussa Abu-Hassanin, a chief ambulance officer with the Palestinian Civil Defence, was shot in the chest while he was providing medical aid to a wounded Palestinian some 250 m from the fence, near the city of Jabaliya. He was wearing an orange vest identifying him as medical staff. On 1 June 2018, 21-year-old Rozan Al-Najjar, a volunteer paramedic with the Palestinian Medical Relief Society, was shot in the chest with live ammunition while providing medical aid to a wounded Palestinian approximately 100 m from the fence, east of the town of Khuza'a. She was wearing a white medical coat and insignia identifying her as medical staff and was raising her hands only minutes before she was shot.

40. Members of the Special Committee were also informed of the killing of two Palestinian journalists who were covering the demonstrations when they were shot by Israeli security forces. According to the information received, both were wearing blue flak jackets marked with the word "Press" and were not posing any threat to the Israeli security forces. On 6 April 2018, 30-year-old photographer Yaser Murtaja was shot in his abdomen when he was covering a protest approximately 150 m from the fence, near Khan Yunis. He died in hospital on 7 April. On 13 April, 24-year-old journalist Ahmed Abu Hussein Ahmed was also shot in his abdomen while he was covering a protest 200 m from the fence, near Jabaliya refugee camp. In addition to his blue jacket, he was wearing a white helmet marked "TV". He died from his wounds in hospital on 25 April.

41. At the time of writing this report, 23 children had been killed by Israeli security forces in the context of those demonstrations. On 14 May 2018, a 15-year-old girl was shot in the head more than 100 m from the fence after she had attempted to cut the barbed wire fence with a cutter, and a 13-year-old boy was shot in the abdomen while he was sitting on a dirt pile watching the demonstrators some 300 m from the fence, east of Bureij camp. On 29 June 2018, an 11-year-old boy was shot in the head while he was hiding behind a shelter approximately 150 m from the fence, north of Khuza'a. The members of the Special Committee strongly condemn the use of lethal force by the Israeli security forces against these children, who appeared to pose no threat to life or serious injury to the Israeli security forces that would justify the use of live ammunition.

42. The Special Committee recalls that, in the context of policing demonstrations, the Israeli security forces must respect international human rights instruments pertaining to law enforcement, including the principles on the use of force by law enforcement officials. These principles provide that firearms may be used only as a last resort and, if the use of firearms is unavoidable, that firearms may be used only against persons if there is an imminent threat of death or serious injury.[17] Killing or causing deadly injury resulting from the use of force in the absence of imminent threat of death or serious injury may amount to the arbitrary deprivation of life.[18] In the context of an occupation, the killings resulting from the unlawful use of force may also constitute wilful killings, which constitute a grave breach of the Geneva

[17] Code of Conduct for Law Enforcement Officials, arts. 2 and 3; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 5, 9, 13 and 14; see A/HRC/34/38, paras. 45–48.

[18] International Covenant on Civil and Political Rights, art. 6.

Convention relative to the Protection of Civilian Persons in Time of War, as well as a war crime.[19]

43. The Special Committee also heard with concern that the months of July and August 2018 saw the most severe escalation in clashes between Israel and Hamas since the 2014 escalation of hostilities, with more than 600 projectiles fired by Hamas and other militants from Gaza towards Israel and more than 400 missiles and shells fired by the Israeli Defense Forces. According to the information received, one Palestinian woman and three children have been killed in the context of air strikes by the Israeli Defense Forces in populated areas of Gaza. No Israelis have been killed in the context of this escalation. The Special Committee calls upon all parties to exercise maximum restraint to avoid endangering the lives of civilians and worsen the humanitarian situation in Gaza.

Blockade and closure

44. The Special Committee was briefed extensively on the dire humanitarian and human rights situation in Gaza. It learned that the blockade and closure of Gaza by the Israeli authorities, now entering its twelfth year, remained the most significant obstacle to sustainable recovery and economic development and constituted a form of collective punishment of the population in Gaza. The Special Committee reiterates that Israel, as the occupying Power in control of the entry and exit of people and goods to Gaza, has the responsibility to meet the needs of the protected population under occupation.[20]

45. Representations made to the Special Committee highlighted the significant negative impact of restrictions on the freedom of movement of people and goods to and from Gaza on the enjoyment of economic, social and cultural rights, such as the rights to an adequate standard of living, health, education, work and family life.

46. The Special Committee heard with concern that Israeli authorities had significantly tightened the restrictions on imports to Gaza, including the entry of fuel, and banned the exit of all goods, during several days in July and August 2018, in response to the launching of incendiary kites from Gaza into Israel. With the current electricity crisis, these restrictions on imports, including of emergency fuel to Gaza, has severely threatened the maintenance of life-saving services, such as 250 critical hospitals and health clinics, water and sewage treatment sites and solid waste collection services.

47. According to information received, the nearly 2 million Palestinian residents of Gaza, more than half of whom are children, face daily power cuts of up to 20 hours and have limited access to water supplies and sanitation services. More than 70 per cent of the population in Gaza relies on humanitarian assistance, the bulk of which is food assistance. This situation is compounded by the unprecedented funding crisis facing the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which explained to the members of the Special Committee that it would have to scale down some of its emergency programmes for the second half of 2018 in order to be able to continue other programmes such as food security support to nearly 1 million refugees.

48. Of serious concern to the Special Committee is the lack of access for Palestinians in Gaza to adequate health care because of shortages of medicines and supplies, as well as hospitals and health centres being forced to reduce essential services owing to electricity cuts. As at 31 July 2018, 40 per cent of the essential

[19] Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 147; Rome Statute of the International Criminal Court, art. 8 (2) (a) (i).

[20] Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 55 and 56.

medicines were completely depleted. Patients seeking permits to leave Gaza for treatment are facing delays and denials of their permit requests. In the first half of 2018, only 59 per cent of overall patients who had requested exit permits for needed medical treatment outside Gaza were granted permits. In 2017, according to the World Health Organization (WHO), 54 patients died following the denial of or delay in issuing their permits by the Israeli authorities.

49. The situation of access to health care for Gazans further deteriorated after the demonstrations had begun on 30 March 2018 because of a spike in needs associated with the large number of injuries. Briefings to the Special Committee highlighted that hospital patients in Gaza had been discharged prematurely to allow for new casualties to be treated, thousands of elective surgeries had been postponed and long-term rehabilitation services had been severely strained by the many patients needing limb amputations and suffering from serious injuries.

50. The Special Committee was informed that Israeli authorities regularly deny or delay exit permits for Palestinians injured in the demonstrations to have access to health care. According to WHO, by 27 August 2018, 270 patients injured in the demonstrations had been referred for medical treatment outside Gaza and had applied for exit permits. Only 23 per cent were approved, while the remaining were either denied (37 per cent) or were pending (40 per cent).[21] The denial of permits has had a severe impact on the life and health of injured demonstrators. Members of the Special Committee were briefed on the case of two young people, aged 17 and 20, who were injured with live ammunition on 30 March, and referred to a hospital in Ramallah on 1 April because of the immediate danger of losing their legs. Their exit permits were denied, resulting in each having to undergo a leg amputation. They also heard the case of a 14-year-old boy who was injured with live ammunition in his chest on 30 May and referred for a medical appointment in East Jerusalem. His permit request was denied on the day of his appointment on 4 June, and he was pronounced dead on 18 June. Denial of medical treatment is a violation of the obligations of Israel under international human rights and humanitarian law.

51. Presentations made to the Special Committee highlighted that the severe restrictions on the movement of goods undermined the economy and the ability to rebuild and repair homes and infrastructure. The economy of Gaza experienced -6 per cent growth during the first quarter of 2018 and a similar decrease during the second quarter.[22] Restrictions on the movement of goods also have a negative impact on employment. According to the Office for the Coordination of Humanitarian Affairs, unemployment was at the highest level ever recorded during the second quarter of 2018, standing at 53.7 per cent.[16] Unemployment trends are driven mainly by the obstruction of construction and other materials entering Gaza.

C. Accountability

52. Members of the Special Committee express concern at the prevalence of a culture of impunity, in particular in cases that pertain to the apparent excessive use of force by Israeli security forces in both the West Bank and Gaza. They reiterate that the atmosphere of impunity fuels the cycle of violence and compromises chances for sustainable peace and security.

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[21] World Health Organization, "Situation report: Occupied Palestinian Territory, Gaza: 14–27 August 2018", available at: http://health.clusteropt.org/admin/file_manager/uploads/files/shares/Documents/5b8cccc1b1383.pdf.

[22] World Bank, "Economic monitoring report of the Ad Hoc Liaison Committee", Working Paper, No. 129986 (Washington, D.C., 2018). Available at http://documents.worldbank.org/curated/en/413851537281565349/Economic-Monitoring-Report-to-the-Ad-Hoc-Liaison-Committee.

53. The Special Committee was briefed extensively on three cases of alleged excessive use of force by the Israeli security forces in the West Bank for which no or limited investigation and prosecution were conducted, further undermining confidence in the Israeli justice system.

54. The members of the Special Committee met the family of Mahmoud Badran, a 15-year-old Palestinian who had been killed by an Israeli soldier on 21 June 2016 while he was in a car heading home with six cousins and a driver. An Israeli soldier from the Kfir Brigade opened fire on the car as it drove through an underpass beneath Route 443 in the West Bank. Following an initial probe, the Israeli Defense Forces did acknowledge that "uninvolved bystanders were mistakenly hit during a pursuit" and announced the opening of an investigation.

55. According to the information received by the Special Committee, while Israeli investigators interviewed Mahmoud Badran's family, his parents have never been informed of any outcome of the investigation and they are still awaiting information more than two years after the killing. The family only learned through the media that the Israeli soldier would not stand trial and that he was merely dismissed from the army for failure in conduct during the incident.

56. Members of the Special Committee are deeply concerned at the failure by the Israeli Defense Forces to prosecute a soldier who opened fire on children who did not represent a threat to life or serious injury. They also ask the Israeli Defense Forces to keep Mahmoud Badran's family informed of the outcome of the investigation.

57. The Special Committee was also informed of the case of 17-year-old Nadeem Nuwara, who was killed during a demonstration in Baytunya on 15 May 2014 by an Israeli border police officer. Video evidence showed that Nadeem Nuwara was not posing any threat when he was shot dead. Four years later, on 25 April 2018, the officer was sentenced by the Jerusalem District Court to nine months of prison on the basis of a plea bargain on the charge of causing death by negligence. The sentence was appealed by the General Prosecutor. On 19 August 2018, the Israeli High Court of Justice upheld the State appeal, increasing the sentence from 9 to 18 months.

58. The Special Committee was updated on the case of Abdelfattah al-Sharif, a Palestinian who, while already incapa itated after having allegedly stabbed an Israeli soldier, was shot in the head by another Israeli soldier in February 2016. The soldier was initially sentenced to 18 months in prison, a sentence that was reduced by the Israeli Defense Forces Chief of Staff to 14 months in September 2017 (A/72/593, para. 65). The soldier has since been released as at 8 May 2018, after having served two thirds of the reduced sentence.

59. According to the information received, these two convictions remain exceptional, and the sentences are considered excessively lenient, compared with the gravity of the violations committed by these Israeli security officers.

60. With regard to the situation in Gaza, Israeli and Palestinian organizations, citing the high number of deaths and injuries among demonstrators, filed two petitions with the Israeli High Court of Justice demanding the assessment of the Israeli Defense Forces open-fire regulations. According to information received, on 24 May 2018, the Court issued its decision in which it declared that the actions of the Israeli Defense Forces during the demonstrations in Gaza were legal under international law and Israeli law and deferred the assessment of the open-fire policy to the internal investigation mechanism of the Israeli Defense Forces.[23] Organizations briefing the

[23] Yesh Din, "HCJ petition: revoke rule of engagement permitting live fire at non-dangerous demonstrators near Gaza fence", 15 April 2018. Available at www.yesh-din.org/en/hcj-petition-revoke-rules-engagement-permitting-live-fire-non-dangerous-demonstrators-near-gaza-fence/.

Special Committee expressed concern about the permissiveness of the judicial scrutiny of the conduct of the Israeli security forces.

61. The Special Committee was informed that, in August 2018, the Military Advocate General had decided to open an internal investigation into two cases relating to the killing of demonstrators along the fence in Gaza. The first case concerns a 19-year-old demonstrator killed in Abu Safia on 30 March 2018 and the second case is related to a 14-year-old boy killed east of the Malaka area on 13 July. Both victims were shot dead with live ammunition. Their shootings were captured in videos shared widely on social media.

62. While organizations briefing the Special Committee explained that it was essential to have a system in which cases could be brought to the Office of the Military Advocate General, they expressed concern at the lack of independence, impartiality and transparency of that Office. They highlighted that the confidence in the Israeli military justice system was undermined by the fact that investigations, when they took place, rarely resulted in prosecutions, and sentences frequently did not match the gravity of the violations committed by the Israeli security forces.

63. In this context, the Special Committee welcomes the decision of the Human Rights Council in May 2018 to create an independent commission of inquiry to investigate all alleged violations and abuses of international law in the context of the military assaults on the demonstrations that began on 30 March 2018 (see Human Rights Council resolution S-28/1) as an important means of seeking effective justice and redress for victims.

D. Detention

64. The Special Committee was briefed extensively on the situation of Palestinian detainees in Israeli custody. A wide range of serious concerns were raised, including the continued use of administrative detention, arrest and the detention of children and lack of access to proper medical care. Palestinian officials and civil society organizations drew attention to the detention of thousands of Palestinians, including children, and raised concern about the number of Palestinian detainees held in 22 prisons, military camps and detention centres inside Israel, in violation of international humanitarian law. The Special Committee was informed that, as of July 2018, there were at least 5,820 Palestinian detainees held by Israel.[24]

Administrative detention

65. The members of the Special Committee noted with deep regret that in submissions received by the Special Committee, concerns had been expressed over continuous ad hoc and arbitrary administrative detention, often on the basis of secret information to which the detainee was neither given access nor the opportunity to challenge. Administrative detainees are held without trial or charge on indefinitely renewable six-month administrative detention orders. Israeli authorities continue to issue administrative detention orders for human rights defenders, activists, political leaders, journalists, university students, lawyers, mothers of detainees and businesspeople.

66. It was reported that, as of July 2018, 446 Palestinians, including 7 Members of Parliament and 2 children, were held by Israel under administrative detention orders.[24] The Special Committee was informed that the longest period of administrative detention for any individual was seven consecutive years. In some

[24] Addameer, "Total political prisoners: July 2018", The Prisoners Statistics database. Available at www.addameer.org/statistics/20180730.

cases, people are administratively detained frequently for as many as 10 or 15 years, with only occasional short breaks of a few months in between the issuance of administrative detention orders.

67. Information was received that many detainees had attempted to take collective action to call for an end to the use of administrative detention. Palestinian administrative detainees reportedly launched an open-ended boycott, refusing to attend military court hearings, which has been ongoing since 15 February 2018. Moreover, the Special Committee was informed that three prisoners are currently on a hunger strike and was briefed about the high possibility of future hunger strikes against administrative detention. The Special Committee recalls the widespread hunger strike among Palestinian detainees that began in April 2017 and lasted for 40 days, about which it was briefed extensively during its 2017 mission (A/72/539, paras. 49 and 50). The Special Committee notes that many of the concerns raised by detainees at that time, including conditions of detention, family visits and the use of administrative detention, continue today.

68. The Special Committee once again draws attention to relevant international legal standards in both international human rights law and international humanitarian law. According to article 78 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, such measures should be used only in exceptional circumstances, for imperative reasons of security. In addition, the lack of charge or trial and the practice of holding detainees on secret evidence are not in compliance with key international human rights safeguards.[25]

Detention of children

69. The members of the Special Committee noted with deep regret reports that arrests of children were on the rise and that children continued to suffer from ill-treatment during arrest and detention. Over the preceding three years, the number of children in detention has effectively doubled, with a spike in 2015. In December 2014, there were 156 child detainees, a number that rose to 470 at the end of 2015, and, as of December 2017, the figure stood at 350. As of July 2018, there were 270 children in detention,[24] reportedly as young as 10 years old. Since 2000, at least 8,000 Palestinian children have reportedly been arrested and prosecuted in the Israeli military justice system. Moreover, in the context of recent demonstrations, 100 Palestinian children have been detained without trial. Roughly half of child detainees are held outside the Occupied Palestinian Territory, in violation of international humanitarian law.

70. The Special Committee was informed that 75 per cent of children arrested reported having been exposed to physical or psychological ill-treatment. Arrests often occur during the night, with security forces entering the home and waking up the family in order to arrest the children. This practice has been condemned by human rights groups, given the fear and anxiety that it causes both to the children and to the families. Families in many cases are not told why children are being arrested. During transport to the detention facility, children report being subject to violence and humiliation. In many cases, children are reportedly interrogated without a parent or guardian present, and there are serious concerns about the possibility of forced confessions. The Special Committee noted with great concern reports about the practice of plea-bargaining, in which detained children plead guilty in exchange for a reduced sentence. There are concerns that this practice pressures children to plead guilty in cases in which they may be innocent, in particular when they are interrogated without the presence of a parent or guardian.

[25] International Covenant on Civil and Political Rights, art. 9.

71. The Special Committee noted the case of Palestinian teenager Ahed Tamimi, whose detention for slapping two Israeli soldiers standing in front of her home sparked international condemnation. Concerns were raised about the decision of the Government of Israel to hold Ms. Tamimi in pre-trial detention. International standards require that children should not be deprived of their liberty unless they pose an imminent threat to themselves or to others and all other means have been exhausted. In all cases, they may be detained only for as long as strictly necessary. Ms. Tamimi was sentenced to eight months in prison after agreeing to a plea bargain and released on 29 July 2018.

72. The Special Committee was briefed that, after sentencing, nearly 50 per cent of Palestinian child detainees are transferred from the Occupied Palestinian Territory to prisons inside Israel, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The practical consequence of this is that many children receive either very few or no family visits, given that it is difficult for Palestinians to obtain the permits necessary to enter Israel. In addition, the distance and cost of travel to Israel is prohibitive for many families.

73. Concerns were raised to the Special Committee about the fact that Israeli children fall under the civil legal system, whereas Palestinian children are under the jurisdiction of military courts in the West Bank. The establishment of separate juvenile courts has reportedly not resulted in any improvement in the situation of Palestinian children arrested by the Israeli authorities, given that these courts reportedly remain part of the military justice system.

74. While several organizations informed the Special Committee that they had made efforts to provide support to children in custody, they expressed concern that they face difficulties in liaising with the Israeli authorities and obtaining information about children in detention who may need assistance. According to these briefings, the Israeli authorities argue that they wish to protect the privacy of the detained children and thus do not share information.

Health care in detention

75. Palestinian government representatives stressed that access to health care was essential. The Special Committee heard testimony that the medical needs of Palestinian detainees within the Israeli prison system continued to be neglected, in several cases leading to deaths that might have been avoided with proper care and timely diagnosis. According to the information received by the Special Committee, in 2018 to date, two detainees have died because of medical neglect.

76. The Special Committee was told about the difficulties faced by detainees with chronic diseases. Several organizations and government representatives also raised concerns about a lack of regular check-ups and screenings, noting that these types of measures could assist in the early identification of illnesses. Concerns about delays in treatment were also raised, with some detainees reportedly waiting for years to receive needed surgery. Concerns were raised with the Special Committee about cases in which detainees had been subject to physical violence, even when they were known to be ill. On 21 May 2018, a man from Jerusalem with a known heart condition was reportedly physically abused, which resulted in a massive heart attack. In another case, an 18-year-old with kidney issues and a blood disease was detained but not provided with the proper treatment, notwithstanding the fact that his health issues were documented and known by the detention authorities. He suffered complications owing to a lack of needed treatment and reportedly lost his eyesight.

77. The Special Committee was told about the particularly worrying situation of detainees in need of psychological care. In many cases, these detainees are not

detained separately from others, although it would be important for their safety and well-being to do so, and they are not provided with the health care that they need.

E. Shrinking democratic space

78. The Special Committee heard about the difficulties faced by human rights defenders, journalists and civil society organizations working on issues relating to the occupation. Concerns raised in 2017 were once again highlighted, including reports of harassment and intimidation of human rights defenders by the Israeli authorities, including recurrent arrest and interrogation for social media postings and participation in peaceful demonstrations.

79. The Special Committee was briefed on the case of Aref Jaber, a Palestinian journalist and human rights defender, who was intimidated and physically assaulted by the Israeli security forces on 2 June 2018 at his house in Hebron, following his filming of the aftermath of the killing of a 37-year-old Palestinian worker by Israeli soldiers in the Jabir neighbourhood of Hebron.

80. One issue raised in briefings to the Special Committee is a newly proposed piece of legislation that would prohibit the filming of Israeli soldiers while on duty. The bill was proposed in June 2017 and, at the time of writing, had not yet passed but had been approved by the ministerial committee. The bill would reportedly allow for the criminalization of the filming or publishing of footage of Israeli soldiers "with intent to harm the morale of Israel's soldiers or its inhabitants". The bill was proposed in the wake of the case of the killing of Abdelfattah al-Sharif,[26] in which an Israeli soldier was filmed shooting him while he was already incapacitated and lying on the ground. The case garnered international attention after the video was shared widely online. The bill reportedly names human rights organizations such as the Israeli human rights organization B'Tselem, which published the video of the shooting in the case mentioned above. It is alleged in the bill that B'Tselem and others' efforts to share documentation of human rights violations is part of an effort to harm national security.

V. Situation of human rights in the occupied Syrian Golan

81. Syrian officials and civil society organizations presenting information on issues relating to the occupied Syrian Golan raised several serious concerns, including the expansion of Israeli settlements, the discriminatory policies of Israel towards the Syrian population, the lack of development opportunities for Syrian villages and the holding of local elections in four Syrian villages.

82. The Special Committee was briefed about the expansion of settlements in the occupied Syrian Golan, in violation of international law. During the reporting period, the number of Israeli settlers grew owing to several financial incentives offered by the Israeli authorities to settlers, as well as the development of residential and industrial areas. On 3 September 2017, the Transportation and Intelligence Minister, Yisrael Katz, announced the intention of Israel to send another 100,000 settlers to the area.[27] Organizations have expressed concern at the plan to change the demographic composition of the occupied Syrian Golan.

83. According to information received by the Special Committee, there are currently almost as many Israelis as Syrians in the occupied Syrian Golan, yet the Syrian

[26] See para. 60 above.

[27] Shimon Cohen, "We need another 100,000 settlers in the Golan", Israel National News, 9 April 2017. Available at www.israelnationalnews.com/News/News.aspx/227936.

population is restricted to a very small portion of the land. As of April 2018, 26,261 Israelis settlers lived in 34 Israeli settlements throughout the Occupied Syrian Golan and controlled, together with the army, 95 per cent of the land, whereas 26,600 Syrians lived in five villages.[28]

84. The expansion and development of the five Syrian villages to accommodate their growing populations remains administratively constrained by Israeli planning and zoning policies. The Special Committee heard that it was nearly impossible for Syrians to obtain building permits, resulting in overcrowded villages with strained infrastructure. Many Syrians have no other option than to build homes and other structures without the required permits, often resulting in high fines and prison sentences in the case of non-payment.[29] The first home demolition in the occupied Syrian Golan in nearly 30 years was carried out in 2016 and raised concerns that this practice, widespread in the occupied West Bank, could also continue in the occupied Syrian Golan (A/72/539, para. 75).

85. Unequal access to resources such as land and water continues to disadvantage Syrian workers. The Special Committee heard that the Israeli authorities had diverted water for the development of Israel in agriculture and tourism in the occupied Syrian Golan, leaving Syrians unable to compete with Israeli settlers. Today, agriculture is no longer profitable for Syrians because the cost of water is too high and their access to land is limited. According to the Syrian Arab Republic, Israeli authorities restrict the Syrian use of land for farming to 45,000 acres of land, while Israeli settlers are allowed to utilize 350,000 acres. In addition, Israeli settlers enjoy preferential access to water, with an average of three times the water allocation of Syrian farmers.[29] Tourism activities by Syrians also remain limited because of their difficulty in obtaining building permits and gaining access to credit. As a result, Syrians, especially the young generation, have no other choice but to look for a job outside the occupied Syrian Golan, prompting them to request Israeli passports in order to be able to travel and exit the territory. These developments further increase pressure on Syrian citizens to abandon their Syrian identity, resulting in the intensification and entrenchment of the occupation.[29]

86. Members of the Special Committee were informed that local elections would be held on 30 October 2018 in four Syrian villages[30] of the occupied Syrian Golan for the first time since the beginning of the occupation in 1967. Organizations have expressed concern that these elections are a manifestation of the desire of Israel to impose its sovereignty over the occupied Syrian Golan in violation of international law. Under Israeli law, eligible candidates for local elections must hold Israeli citizenship. According to information received by the Special Committee, only 12 per cent of the inhabitants of these four Syrian villages hold Israeli citizenship.[31] Therefore, the majority of the Syrian population will not be able to stand as candidates, raising concern that the Syrian population will lack adequate representation in the local government. With their residency status, most Syrians will be able only to vote but not to be elected. These elections heighten pressure on Syrian citizens to become legally integrated into Israel by obtaining Israeli citizenship. The Special Committee was informed that naturalization was encouraged by the Israeli authorities.

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[28] Al-Marsad, *Forgotten Occupation: Life in the Syrian Golan After 50 Years of Israeli Occupation*, 2018.

[29] See International Labour Organization, *The Situation of Workers of the Occupied Arab Territories*, ILC.107/DG/APP (Geneva, 2018). Available at www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_629263/lang--en/index.htm.

[30] The four Syrian villages are Buq'ata, Mas'adah, Majdal Shams and Ayn Quniyah.

[31] Percentage of inhabitants who hold Israeli citizenship per village: Buq'ata, 12.6 per cent; Majdal Shams, 11.6 per cent; Mas'adah: 13.1 per cent; and Ayn Quniyah, 10.2 per cent.

87. The Special Committee recalls Security Council resolution 497 (1981), in which the Council determined that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and that the Geneva Convention relative to the Protection of Civilian Persons in Time of War continued to apply in the occupied Syrian Golan.

VI. Recommendations

88. **The Special Committee calls upon the Government of Israel:**

(a) **To implement all prior recommendations contained in the reports of the Special Committee to the General Assembly, and to facilitate access by the Special Committee to enter the Occupied Palestinian Territory and the occupied Syrian Golan;**

(b) **To end its occupation of the Occupied Palestinian Territory, namely the West Bank, including East Jerusalem, and Gaza, as well as its occupation of the Syrian Golan, in compliance with Security Council resolutions 242 (1967) and 497 (1981);**

(c) **To cease all settlement activity, in compliance with Security Council resolution 2334 (2016), and construction of the separation wall in the occupied West Bank, including East Jerusalem, which contravenes international law and undermines the right of self-determination of the Palestinian people;**

(d) **To immediately freeze and end the illegal practice of demolitions, including administrative and punitive demolitions, which further constitute illegal collective punishment and which contribute to the creation of a coercive environment and may lead to the forcible transfer of vulnerable communities, in violation of international humanitarian law and the rights of the Palestinian people;**

(e) **To ensure that Palestinians have access to a non-discriminatory planning and zoning process that will advance the interests of the protected population in Area C, including Palestine refugees;**

(f) **To rescind all demolition, eviction and seizure orders that are likely to lead to the forcible transfer of Bedouin communities in the occupied West Bank, which affects their pastoralist lifestyle, leading to the breakdown of their traditional economies and damaging their distinct social fabric;**

(g) **To ensure that Palestinian residents of East Jerusalem are not subject to discriminatory requirements, that their right to family life is fully respected and protected and to immediately end the illegal practice of punitive residency revocation for residents of East Jerusalem;**

(h) **To take all measures to end illegal practices of collective punishment, including punitive home demolitions, revocation of insurance benefits, residency revocation, arrest and detention and any other measures that are intended to penalize the family members of attackers or alleged attackers, which are inhumane and have no deterrent effect;**

(i) **To lift the illegal land and sea blockade that has been imposed on Gaza for more than 11 years and open up opportunities for trade and increasing movement of Palestinians between Gaza and the West Bank;**

(j) **To immediately address the humanitarian crisis in Gaza, which has been made acute by the electricity shortage, and to uphold its obligations as an occupying Power with respect to the protected Palestinian population;**

(k) To facilitate access to medical treatment for Palestinians in the Occupied Palestinian Territory, with a focus on the urgency of the need in Gaza due to the deteriorating conditions caused by the blockade and closure and the electricity crisis;

(l) To take all precautions necessary to ensure that Israeli forces act in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(m) To systematically investigate all cases of excessive use of force that have led to death or serious injury, including in the context of the "Great March of Return" and demonstrations, and to ensure that those responsible are held accountable;

(n) To conduct a prompt, thorough, transparent and independent investigation into all cases of alleged extrajudicial executions and ensure that those responsible are brought to justice;

(o) To release the bodies of the Palestinians that have not yet been returned to their relatives as soon as possible in order to bring dignified closure in accordance with their religious beliefs and traditions;

(p) To ensure that detainees are treated in accordance with provisions in international human rights and humanitarian law, in particular with respect to the detention of children, and to end the practice of administrative detention;

(q) To ensure the protection necessary for the Palestinian civilian population and human rights defenders engaged in the promotion of human rights issues affecting the Occupied Palestinian Territory and to allow them to carry out their work freely and without fear of attacks and harassment;

(r) To combat the environmental degradation in the Occupied Palestinian Territory and the occupied Syrian Golan, halt the exploitation of natural resources and address the lack of access for Palestinians and Syrians to important natural resources, notably water resources in the West Bank, Gaza and the occupied Syrian Golan;

(s) To cease all settlement and other illegal activities in the occupied Syrian Golan and ensure access to a non-discriminatory planning and zoning process that will advance the interests of the protected population.

89. The Special Committee also calls upon the international community:

(a) To call upon Israel to end its occupation of the Occupied Palestinian Territory, namely, the West Bank, including East Jerusalem, and Gaza, as well as the occupied Syrian Golan, in compliance with Security Council resolutions 242 (1967) and 497 (1981);

(b) To use its influence to end the blockade of Gaza, which has a significant detrimental effect on Palestinians, and, in particular, to immediately address the acute humanitarian crisis;

(c) To use its influence to cease all settlement activity in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, which contravenes international law and has a detrimental effect on the protected population;

(d) To address the pattern of non-cooperation by Israel with the United Nations, in particular regarding the implementation of resolutions of the General Assembly and the Security Council and mechanisms established by the Assembly and its subsidiary bodies;

(e) To give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the separation wall;

(f) To review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they effectively serve to prevent and address the heightened risk of human rights abuses in the occupied territories;

(g) To ensure that corporations respect human rights and cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or the exploitation of natural resources in the Occupied Palestinian Territory and the occupied Syrian Golan.

United Nations A/73/500–S/2018/997

General Assembly
Security Council

Distr.: General
7 November 2018

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General Assembly
Seventy-third session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-third year

Identical letters dated 7 November 2018 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Georgia, of 6 November 2018, on another illegal decision of the Russian occupation regime in Tskhinvali region, Georgia, to fortify the occupation line adjacent to the village of Atotsi in Kareli municipality through the installation of 1 km-long artificial barriers (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Permanent Representative

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Annex to the identical letters dated 7 November 2018 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

The Ministry of Foreign Affairs of Georgia condemns another illegal decision of Russian occupation regime in Tskhinvali and launching the works with the aim to fortify the occupation line adjacent to the village of Atotsi in Kareli Municipality by installing 1 km long artificial barriers.

Through these illegal steps the Russian Federation blatantly violates the fundamental norms and principles of international law and undermines the rules-based international system.

The above illegal actions of Russia aim at further destabilizing the situation on the ground, restricting freedom of movement and isolating the conflict-affected people from the rest of Georgia. Continuation of illegal process of installation of artificial barriers along the occupation line further deteriorates already difficult humanitarian conditions of local population.

Ministry of Foreign Affairs calls upon the Russian Federation to cease its illegal actions directed against sovereignty and territorial integrity of Georgia, to implement the international obligations undertaken by the 12 August 2008 Ceasefire Agreement and withdraw its military forces from the territory of Georgia.

Ministry of Foreign Affairs appeals to the international community to duly assess the provocative actions of Russia and take effective steps to counter the process of illegal occupation and factual annexation of Georgia's Abkhazia and Tskhinvali regions by Russia.

The Georgian side immediately activated the hotline on this matter and informed the EU Monitoring Mission as well as the Co-Chairs of the Geneva International Discussions from the EU, UN and OSCE. Ministry of Foreign Affairs of Georgia will raise the continuation of illegal process of installation of artificial barriers along the occupation line within all relevant bilateral and multilateral international formats.

United Nations A/73/501–S/2018/973

General Assembly
Security Council

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General Assembly
Seventy-third session
Agenda items 38, 55 and 74

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Promotion and protection of human rights

Security Council
Seventy-third year

Identical letters dated 30 October 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government and further to our earlier letter dated 11 October 2018 regarding the so-called "local council" elections of 30 October 2018 that the occupying Israeli authorities attempted to impose on Syrian citizens in the occupied Syrian Golan (A/73/432–S/2018/911), I should like to convey to you the following information.

Conditions in the occupied Syrian Golan have deteriorated even further because the occupying Israeli authorities continue to coerce the Syrian citizens of that territory as part of their ongoing policies aimed at annexing the occupied Syrian Golan, in violation of the relevant Security Council resolutions, in particular resolution 497 (1981), the relevant General Assembly resolutions and the Geneva Conventions concerning territories controlled by an occupying Power.

As part of their effort to resist having elections imposed on them by the occupying Israeli authorities, Syrian citizens in the occupied Syrian Golan have organized, over the past days and weeks, marches to protest against and express their rejection of the above-mentioned elections. The protests organized by Syrian citizens in response to the attempts of the occupying Israeli authorities to conduct elections by force reached their peak today, 30 October 2018. In response, the occupying Israeli authorities deployed troops to suppress the protest marches and fired toxic gas on demonstrators in the town of Majdal Shams, choking children, elderly persons and women as they resisted the occupying Israeli forces.

Such conduct by the occupying Israeli authorities is aimed at legitimizing illegal institutions that represent an occupying Power and at implementing their colonialist and racist project to Judaize the occupied Syrian Golan. This Israeli scheme is also

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aimed at legalizing and perpetuating the occupation and applying "Israeli law" in the occupied Syrian Golan.

The Syrian Arab Republic reaffirms that the occupied Syrian Golan is an integral part of its territory and that it will strive, by all available ways and means, to return that occupied territory to the homeland, sooner or later. It also reaffirms it supports for Syrian Arab citizens as they resist Israeli occupation and reject these illegal elections, the decision to incorporate the Syrian Arab Golan into the occupying State and all the illegal measures that have been imposed by the occupying Israeli authorities.

It wishes to stress that it is unacceptable for an occupying Power such as Israel to continue to reject and disregard all United Nations resolutions calling for it to end its occupation of the Syrian Arab Golan. Under those resolutions, all the actions that Israel has taken to change the legal status, demographic composition and geographical nature of the territory are considered null and void and without effect under international law.

Moreover, the Government and the people of the Syrian Arab Republic reaffirm that they utterly reject and absolutely condemn this hostile and reckless action and the attacks committed by the occupying Israeli forces against innocent civilians, including children, women and elderly persons, in the occupied Syrian Golan. The Syrian Arab Republic calls upon all international organizations, including the Security Council, to reject clearly these flagrant Israeli violations of international law and norms, the Charter of the United Nations, the Fourth Geneva Convention and Security Council resolutions, in particular resolution 497 (1981), wherein the Council considers that the decision of Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan is null and void and without international legal effect.

The Syrian Arab Republic would also like to reiterate that these hostile Israeli actions and acts of provocation will increase tensions and exacerbate the situation in the occupied Golan and the region. It therefore calls upon the Security Council to take urgent action to maintain international peace and security by condemning these Israeli aggressions against Syrian citizens in the occupied Golan and by compelling Israel to respect the relevant resolutions of the Security Council and the United Nations. The Council must also compel Israel to cease its illegal settlement policies and its oppressive measures against our people in the occupied Syrian Golan, stop providing any form of material and moral support to armed terrorist gangs in Syria and end its policy of contempt for international law and the international community.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 38, 55 and 74, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative